

DOCKET NO.: 259277US0

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**IN RE APPLICATION OF : DJP  
KMMAN  
10/8

EUGENE ROUSSEL : GROUP ART UNIT: 1642

SERIAL NO: 09/756,978 : EXAMINER: CANELLA, K.

FILED: JANUARY 9, 2001 :

FOR: THERAPEUTIC MODULATION OF THE TUMOR INFLAMMATORY  
RESPONSE**APPOINTMENT OF POWER OF ATTORNEY  
AND CERTIFICATION UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

The undersigned representative of BIOTHER CORPORATION, owner by virtue of  
 assignment of the above-identified application, hereby appoints practitioners associated with  
 Customer Number

22850

as Assignee's attorney with full power of substitution and revocation, to prosecute said patent  
 application, receive any Letters Patent and to take any and all other actions with regard to this  
 patent application and any Letters Patent issuing thereon.

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OBLOV, SPIVAK, McCLELLAND  
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CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of  
BIOTHER CORPORATION, a corporation, the assignee of the entire right, title and interest  
of the above-identified application by virtue of an assignment from the inventor, said  
Assignment having been filed on October 8, 2004, in the U.S. Patent & Trademark Office, a  
copy of which is attached hereto.

**BIOTHER CORPORATION**

Date: October 12, 2004

By:

Name:

Title: Eugene Poussel

Chief Executive Officer

(OSMMN 2004)

Atty Docket No.: 259277US

FORM PTO-1595  
06-04

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Eugene ROUSSEL

2. Name and address of receiving party(ies):

Name: BioTHER Corporation

Address: 8027 Oakington Drive, Huston, Texas 77071

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of Conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other

Execution Date: October 7, 2004

Additional name(s) and address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

This document is being filed together with a new application

A. Patent Application No.(s)

09/756,978

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total applications and patents involved: 1

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7. Total fee (37 CFR 3.41): \$40.00

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*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Daniel J. Pereira, Ph.D.

Name of Person Signing

  
Signature

*10-8-04*

Date

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259277US

## Assignment of Application

INSERT NAMES  
AND RESIDENCE  
ADDRESS OF  
THE INVENTORS:

INSERT TITLE OF  
INVENTION

have invented certain new and useful improvements in: Localized Therapeutic Modulation of an Inflammatory Response

(Application No. 09/756,978, filed January 9, 2001 ), and

WHEREAS, BioTHER Corporation

INSERT NAME  
AND ADDRESS OF  
COMPANY OR  
OTHER ASSIGNEE

(hereinafter referred to as "ASSIGNEE") having a place of business at: 8027 Oakington Drive, Houston, Texas 77071 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

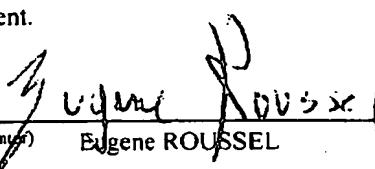
I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Page 2 of 2

Further, I (WE) agree that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. of 1940 Duke Street, Alexandria, Virginia 22314 the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: October 7, 2004

  
(Signature of Inventor) Eugene ROUSSEL

Date: \_\_\_\_\_

(Signature of Inventor)

**OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.**  
ATTORNEYS AT LAW  
1940 DUKE STREET  
ALEXANDRIA, VIRGINIA 22314